UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/453,935	05/17/2000	Tetsuro Motoyama	5244-0122-2	7297

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ART UNIT	PAPER NUMBER
2153	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/453,935	MOTOYAMA ET AL.
	Examiner	Art Unit
	John R Brancolini	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *17 May 2000* .

2a) ☐ This action is FINAL.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-7 and 9-20* is/are rejected.

7) ☒ Claim(s) *8* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *17 May 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4 5* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claims 1-20 are pending in this application.

Priority

No claim for priority has been made in this application. The effective filing date is May

17, 2000.

Drawings

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because

only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing

correction or corrected drawings are required in reply to the Office action to avoid

abandonment of the application. The objection to the drawings will not be held in

abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of
making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 states "a sixth computer code device configured to attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first protocol processor; a seventh computer code device configured to attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the second protocol processor after attempting to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first protocol processor." The specification fails to disclose a sixth computer code device configured to attempt to transfer the collected events between the remote receiver and the at least one of a device using the first format processor. The specification also fails to disclose a seventh computer code device configured to attempt to transfer the collected events between the remote receiver and the at least one of a device using the second protocol processor after attempting to transfer the collected events between the remote receiver and the at least one of a device using the first protocol processor. The required subject matter in the specification to enable one skilled in the art to perform these parts of the claim is missing.

As for claims 2-13, they are rejected as being dependant on claim 1.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 3 recites the limitation "the library" in claim 1. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Guck (US Patent Number 5911776) in view of Motoyama (US Patent Number

5818603).

In regards to claim 1, Guck discloses a system for automatic format conversion

for a multi-user network comprising a computer storage medium and a computer

program code mechanism embedded in the computer storage medium for causing a

computer to control a protocol used for data communication between a remote receiver

and at least one of a device, an appliance, an application and an application unit (a

system utilizing a server communication with a phone/fax machine utilizing a software

program for controlling the format of the output, see Fig 1 and col 6 lines 43-48), the

computer program code mechanism comprising:

o A first computer code device configured to provide plural communications

protocols capable of providing data transfer (a converter used to provide

information in a properly selected format, the protocol being selected by the

server processor module, col 5 lines13-16);

o A second computer code device configured to select a first protocol of the plural

communications protocols to transfer data between the remote receiver and the

at least one of a device, an appliance, an application and an application unit (the

server acts a remote receiver using a selected protocol to transmit data to a

receiving fax machine, col 8 lines 10-29);

o A third computer code device configured to select a second protocol of the plural

communications protocols to transfer data between the remote receiver and the

at least one of a device, an appliance, an application and an application unit (the

data can be sent to multiple devices, in this case a telephone 80 using a

separate protocol as selected by the server, col 6 lines 46-48, col 7 lines 39-42);

o A fourth computer code device configured to collect events at the at least one of

a device, an appliance, an application and an application unit (the server detects,

or collects, a request for data from a fax or other device, col 6 lines 4-9 and lines

49-60);

o A fifth computer code device configured to dynamically generate first and second

protocol processors for implementing the first and second protocols (Fig 1 server

processes 52a-52n each select a possible protocol for implementing the first and

second protocols, col 6 lines 45-48);

Guck, however, does not disclose a sixth computer code device configured to

attempt to transfer the collected events between the remote receiver and the at least

one of a device, an appliance, an application and an application unit using the first

protocol processor or a seventh computer code device configured to attempt to transfer

the collected events between the remote receiver and the at least one of a device, an

appliance, an application and an application unit using the second protocol processor

after attempting to transfer the collected events between the remote receiver and the at

least one of a device, an appliance, an application and an application unit using the first

protocol processor.

Motoyama discloses a method and a system for remote monitoring and

communication using different protocols with a plurality of devices and a control system.

As shown in Figures 12a-12c, Motoyama shows a method where the protocol of a

selected bit of formatted data is determined (step 352) and then determines if any other

function is to be formed (collecting events, step 354), and then determines whether

there is a need to encode the message using the previously determined protocol (first

format). In step 376, the system determines if the message (collected events) is

complete and ready to be transmitted, if it is not, the message is placed in a buffer and

flow proceeds to step 352 again. This process is seen as an attempt to transfer the

collected events between the remote receiver and the at least one of a device using a

first protocol processor. Once the message is placed in the buffer (it is placed in the

buffer because the controller was unable to transfer the message), the process returns

to step 352 and incoming data from another device is collect in a second format to be

collected and transfer as it was in the first format. This process is seen as an attempt to

transfer the collected events between the remote receiver and the at least one of a

device, an appliance, an application and an application unit using the second protocol

processor after attempting to transfer the collected events between the remote receiver

and the at least one of a device, an appliance, an application and an application unit

using the first protocol processor.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to use Motoyama's teachings to modify Guck by including disclose a sixth

computer code device configured to attempt to transfer the collected events between

the remote receiver and the at least one of a device, an appliance, an application and

an application unit using the first protocol processor or a seventh computer code device

configured to attempt to transfer the collected events between the remote receiver and

the at least one of a device, an appliance, an application and an application unit using

the second protocol processor after attempting to transfer the collected events between

the remote receiver and the at least one of a device, an appliance, an application and

an application unit using the first protocol processor. These inclusions would allow for

an efficient method of reporting events back to a user as well as improve overall

communication protocol methods by allowing users to alter their formats to

communicate more rapidly with the server.

In regards to claim 2, both Guck (Fig 1 database 58) and Motoyama (Fig 1

database 28) disclose the first computer code device comprises a library of code shared

between first and second applications.

In regards to claim 3, both Guck (Fig 1 database 58) and Motoyama (Fig 1 database 28) disclose the library comprises a dynamically linked library.

In regards to claim 4, Motoyama discloses wherein the fifth computer code device comprises an eighth computer code device configured to implement a container class including an entry for each of the plural protocols, wherein each entry includes a key and a value (Fig 10 shows the data format stored in the database that includes a format type, acting as a key, and a format value).

In regards to claim 5, Motoyama discloses the eighth computer code device comprises a map (fig 10 shows a map linking format type to format data).

In regards to claim 6, Motoyama discloses the value of the eighth computer code device comprises a pointer to a function configured to dynamically generate a corresponding protocol processor of the first and second protocol processors as specified by the corresponding key (Fig 10 shows a format ID acting as a pointer to a function, that corresponds to the format process defined by format type, acting as a key).

In regards to claim 7, Guck discloses the value further comprises an attribute for identifying whether the fifth computer code device previously dynamically generated the

corresponding protocol processor (Once a file is formatted and assigned a specific

protocol, the content is saved as an attribute of the file col 9 line 1-4).

In regards to claim 9, Motoyama discloses the function configured to dynamically

generate the corresponding protocol processor returns a protocol processing abstract

class (Fig 9, the database is an abstract class outline relating to protocol processing).

In regards to claim 10, Guck discloses the use of TCP/IP for use in transferring

data, which is a direct connect protocol (col 4 lines 55-65)..

In regards to claim 11, Guck shows in figure 1 the use of a simple mail transfer

protocol, a file transfer protocol and a hypertext transfer protocol.

In regards to claim 12, Motoyama discloses a code device configured to check

for a transmission failure before transferring the collected events (there is a

determination as to whether there is any communication problem before proceeding to

send information, col 12 lines 55-65).

In regards to claim 13, Guck discloses a device configured to transfer the

collected event using the second protocol, which increases redundancy (Fig 1 items

52a-52n are server processes which each select a protocol to attempt to transfer data,

col 6 lines 45-49).

In regards to claim 14, Guck discloses a system for causing a computer to control a protocol used for data communication comprising:

o Providing plural communications protocols capable of transferring data (col 4 lines 55-65);

o Selecting a first protocol of the plural communications protocols to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit (The server processor module selects a protocol to use, col 5 lines 15-17);

o Selecting a second protocol of the plural communications protocols to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit (Fig 1 items 52a-52n, each server process module selects a separate protocol which includes a second protocol);

o Collecting events at the at least one of a device, an appliance, an application and an application unit (The server detects, or collects, a request for data from a fax or other device, col 6 lines 4-9 and lines 39-42);

o Dynamically generating first and second protocol processors for implementing the first and second protocols (Fig 1 items 52a-52n, each dynamically created server process module implements a separate protocol, including the first and second protocols);

Guck, however, fails to disclose performing a first attempt to transfer the collected events between the remote receiver and the at least one of a device, an

appliance, an application and an application unit using the first protocol processor as well as performing a second attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the second protocol processor after the first attempt.

As seen in the above discussion of claim 1, Motoyama teaches a method of performing a first attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first protocol processor as well as performing a second attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the second protocol processor after the first attempt by utilizing a buffer to store the information if the attempt is unsuccessful until the second protocol is selected and the information is reformatted for another attempt at transferring.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use Motoyama's teachings to modify Guck to include the steps of performing a first attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first protocol processor as well as performing a second attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the second protocol processor after the first attempt to allow for an efficient method of reporting events back to a user

as well as improve overall communication protocol methods by allowing users to alter

their formats to communicate more rapidly with the server.

In regards to claim 15, both Guck (Fig 1 database 58) and Motoyama (Fig 1

database 28) disclose a library of code shared between first and second applications.

In regards to claim 16, both Guck (Fig 1 database 58) and Motoyama (Fig 1

database 28) disclose a dynamically linked library.

In regards to claim 17, Guck discloses the use of TCP/IP for use in transferring

data, which is a direct connect protocol (col 4 lines 55-65).

In regards to claim 18, Guck shows in figure 1 the use of a simple mail transfer

protocol, a file transfer protocol and a hypertext transfer protocol.

In regards to claim 19, Motoyama discloses a method step to check for a

transmission failure before transferring the collected events (there is a determination as

to whether there is any communication problem before proceeding to send information,

col 12 lines 55-65).

In regards to claim 20, Guck discloses an attempt to transfer the collected event using the second protocol, which increases redundancy (Fig 1 items 52a-52n are server processes which each select a protocol to attempt to transfer data, col 6 lines 45-49).

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims as well as rewritten to overcome the 112 rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R Brancolini whose telephone number is (703) 305-7107. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JRB

Dung C. Dinh
Primary Examiner